

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ERA E. JOHNSON

vs.

MARION CENTRAL APPRAISAL
DISTRICT

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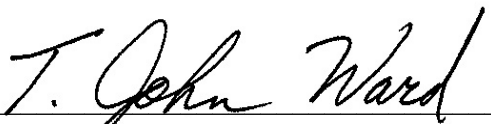
CASE NO. 2:10-CV-206-TJW-CE

ORDER

The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 23) has been presented for consideration. The report recommends that the court: (1) grant Defendant's motions to dismiss for lack of subject matter jurisdiction because Plaintiff has failed to exhaust her administrative remedies (Dkt. Nos. 7 and 19); and (2) deny Defendant's motion to dismiss for failure to state a claim (Dkt. No. 8) and motion to compel disclosures (Dkt. No. 21) as moot. Neither party filed an objection to the report and recommendation.

The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court adopts the report of the United States Magistrate Judge, in its entirety, as the conclusions of this court. Accordingly, it is ORDERED that: (1) Defendant's motions to dismiss for lack of subject matter jurisdiction are GRANTED; and (2) Defendant's motion to dismiss for failure to state a claim and motion to compel disclosures are DENIED as moot.

SIGNED this 15th day of March, 2011.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE